

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 26, 1952
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Absent: Councilman White

Present also: W. E. Seaholm, City Manager; Robert L. Burns, Assistant City Attorney; C. G. Levander, Director.

Councilman Johnson moved that the Minutes of the previous meeting be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Ab sent: Councilman White

MRS. LEWIS HATCH, Travis County Chapter, National Foundation of Infantile Paralysis, asked the City to do more in its clean-up work, and to make it clear on the conditions under which cows and chickens, etc., are permitted in the city limits. MR. CHAS. SANDAHL, JR., asked that the spraying facilities be increased. MR. HARGIS outlined the work that is now being done in the Public Health Department. The City Manager stated the spraying could be put on a seven-day basis instead of five. Councilman Long moved that the City Council go on record today urging the citizens to cooperate with the City, and that the City, itself, step up its program of cleaning up. The motion, seconded by Councilman Johnson carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

MRS. F. F. LAMBECK, Tirado Street, asked that fire plugs be installed in the Brooks Addition, and also that the Highway contractors be asked to sprinkle the highway which is under construction, to settle some of the dust. The City Manager stated he would check into the progress of the water expansion in this area, and Mrs. Lambeck could call him on this matter; also he would ask the Highway Department to see what they will do about getting the contractor to keep the streets sprinkled.

MR. A. B. ROSSEN stated the two percent gross receipts tax on the Austin Transit Company and the taxi-cab companies was necessarily being paid by the poor people of Austin. He asked that a garbage tax not be made. The City Attorney explained that the gross receipts tax was a fee paid for the right to use the City's streets; the garbage fee was for a service charge.

MRS. A. G. SEIVERS and MRS. ANGUS McDONALD were interested in the widening of Treadwell Street to more than the 30 feet that it is at the present time. The Director of Public Works stated the street would be a 38 feet street, and that the intersection would possibly be more than 40 feet. It was believed this work would be completed before School opened.

Pursuant to published notice there, public hearing was held on the following zoning application:

CHAS. C. GOUGE, By
A. G. Hadeler

814 E. 53rd Street

From "A" Residence
To "C" Commercial
RECOMMENDED By the Zoning
Commission

No opposition was expressed. The Mayor asked that all in favor of upholding the recommendation of the Zoning Commission and granting the request to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

The Mayor announced that the change had been granted, and the City Attorney was instructed to draw up the necessary ordinance.

MRS. J. A. KIRVEN submitted a petition from home owners in McKinley Heights for larger water mains, fire plugs, and street lights on Harvey Street. The City Manager stated the water condition would be strengthened when the large main is installed in Airport Boulevard. He stated the areas without any water at all were being taken care of, and these other areas would receive some benefits by the installation of larger mains all over town.

LT. BEVERLY LAWS introduced nine recruits for the Police Department: MESSRS. ROY E. FRAISER, VERNON L. KRUGER, MARTIN V. HERRLING, BILLY NEAL CROW, CHAS. Q. OSGOOD, WAYNE A. FERGUSON, VARDRY H. McBEE, ALLAN A. KEELEY, JAMES O. GLASS.

The Council set the following application for change of zoning for Public Hearing for July 24, 1952, 11:00 A.M.:

ANDREW T. BAILEY	Lot 7 and west one-half of Lot 6, Block 5, Outlot 36, Division B, locally known as 1805 E. 14th Street.	From "A" Residence To "C" Commercial NOT Recommended by the Zoning Commission
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The application of MRS. BENJAMIN A. SIECKE, for change of zoning of the property at 1513-17 Koenig Lane from "A" Residence to "C" Commercial, was postponed until MR. T. J. NORTH, Agent, returns to the City.

The Council received notice that the following applications had been referred to the Zoning Commission:

MARVIN C. TURNER		From "B" Residence
FRANK J. SMITH	501-07 West 9th Street	To "C" Commercial

W. P. GOODWIN, GEORGE		
JOHNS, FRANK EIDEL-	1110 to 1128 Airport Blvd.	From "A" Residence
BACH	and 1110 to 1114 Kirk Avenue.	To "C" Commercial

JACK SPARKS	607 West 12th Street	From "C" with restrictions To "C" without restrictions
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(It was thought this application could be handled through the Zoning Board of Adjustment)

The Council received a petition from citizens owning property in Harlem Square, asking that the zoning be left as residential. No application for change of zoning had been filed, and the petition was ordered to be turned over to the Zoning Commission.

Councilman Long submitted a petition signed by approximately 150 people asking the Council to allocate a fair share of the \$200,000 in recreation money when available, to the Wilshire Park, and that the City Manager and Recreation Director be requested to include in their recommendations a full-size swimming pool instead of the smaller pool of $4\frac{1}{2}$ maximum depth. The Mayor thought possibly it would be better to have a large pool at Hancock Park; and this park in question, being a neighborhood park, the smaller pool would be as a standard pool for that sized park. Councilman Long moved that this petition be referred to the Park and Recreation Board for study and recommendation. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the Southwest corner of the intersection of West 31st Street and Guadalupe Street which property fronts 100 feet on West 31st Street and 116.81 feet on Guadalupe Street, and being known as a portion of Outlot 72, Division D of the Government Outlots in the City of Austin, Travis County, Texas, and hereby authorizes the said A. D. Bolm to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, Traffic and Fire regulations; and the right of revocation is retained, if, after hearing, it is found by the City Council that the said A. D. Bolm has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"June 26, 1952

"Mr. Walter Seaholm
City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of A. D. Bolm, for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in connection therewith upon the property located at the Southwest corner of the intersection of West 31st Street and Guadalupe Street which property fronts 100 feet on West 31st Street and 116.81 feet on Guadalupe Street, and being known as a portion of Outlot 72 Division D of the Government Outlots in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by A. D. Bolm and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"There is a storm sewer line in Guadalupe Street adjacent to the above described property.

"We recommend that A. D. Bolm be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

"(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and drive-ways, buildings lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2-H-1091.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-1091, and shall be of the pre-moulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,
C. G. Levander
Director of Public Works

(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision know as "Oakmont Heights Annex No. 3, Section 2", approved by the City Plan Commission of the City of Austin on April 24, 1952, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

Mayor Drake introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF WEST 6TH STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE PORTION OF SAID COSTS PROPOSED TO BE PAID BY THE CITY OF AUSTIN, TEXAS; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PART OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 10TH DAY OF JULY, 1952, IN THE COUNCIL CHAMBER OF THE CITY COUNCIL IN THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY, AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSEMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF SAID CITY; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by ordinance duly passed on April 17, 1952, the City Council ordered the permanent improvement of certain portions of public streets designated therein, by excavating, grading and paving the same, and by the construction of curbs and gutters where required, in accordance with the plans and specifications therefor on file with and approved by the City Council; and

WHEREAS, pursuant to said ordinance, the City Manager advertised for bids for the construction of such improvements, and bids were received and opened in accordance with the Charter of the City of Austin and the laws of the State of Texas; and,

WHEREAS, the bid of John L. Andrews in the amount of \$35,510.12, was the lowest and best responsible bid, and the City Council has awarded to John L. Andrews the contract for the construction of such improvements; and,

WHEREAS, the contract form and contract documents, including the performance bond, required by the agreement and by law, have been executed by contractor; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the form and substance of the contract and contract documents heretofore executed by John L. Andrews, providing for the construction of the improvements above described, be, and the same are hereby approved, and the City Manager is hereby authorized and directed to execute the same on behalf

of the City of Austin.

That the performance bond accompanying said contract and executed by John L. Andrews, be and the same is hereby accepted and approved.

That the Director of Public Works of the City of Austin be, and he is hereby directed to prepare and file with the City Clerk estimates and rolls as required by law for each street unit to be so improved, showing thereon the total estimated cost of the improvements in each such unit, and showing in detail the description of each parcel of property abutting thereon together with the names of the apparent owner thereof, the number of front feet on each parcel of property, and the amount to be assessed against the same and other pertinent information as may be required by law.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

The City Manager stated MR. CLINTON OWSLEY, Rate Consultant on the question of the Telephone Company's request for increase in rates, was ill, and he asked that the Council postpone the date of the Telephone Hearing from July 1st, to July 7th. Councilman Long moved that the hearing be set at 10:00 A.M., July 7th, 1952. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

Councilman MacCorkle asked about the results of the study made by Dr. Steel regarding the chemical effects on the weeds in the lakes. The City Manager explained how the work had been carried out, and stated some interesting results had been produced, but had not been tried on a general field test as yet.

Councilman MacCorkle stated he thought along with the city's clean-up work that the citizens should cooperate and if they want a clean city, they should put forth some effort also. He stated it was hard to keep a city clean and permit sheep, cattle, horses, etc., to be kept within the city limits.

The City Manager stated it was indicated to him that the Highway Department would probably let the contract for the Interregional bridge from 1st Street to Riverside Drive before the first of the year.

The Mayor stated the City would have to plan on building a bridge on East 8th Street. The City Manager stated plans were under way.

There being no further business, the Council adjourned at 11:30, subject to the call of the Mayor.

APPROVED: W S Drake

ATTEST:

Elin Noosley
City Clerk